

Amendment No. 2 to HB1040

Casada
Signature of Sponsor

AMEND Senate Bill No. 1258

House Bill No. 1040*

by deleting subsection (f) of § 63-1-306 of the amendatory language of Section 1, as amended, and by substituting instead the following as a new subsection (f):

(f)

(1) If the department finds that a pain management clinic which was issued a certificate no longer meets any requirement of this part, including but not limited to any violation of any rule promulgated by the department pursuant to this part, the department may impose lawful disciplinary action against the pain management clinic, including, but not limited to, the revocation or suspension of its certificate, and the imposition of a civil penalty of up to one thousand dollars (\$1,000) per day for each day of continued violation. The pain management clinic shall be entitled to a hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Further, the department has the discretion to lift the suspension of a certificate when the clinic demonstrates compliance to the department.

(2) Any board which assesses any discipline or penalty against a provider that it licenses for a violation of rules promulgated under this part shall inform the department of any penalty or discipline imposed on such a provider for a violation of rules promulgated under this part within thirty (30) days of imposing the discipline or penalty and the department may consider such discipline or penalty as a basis for disciplinary action against the pain management clinic pursuant to this subsection (f).